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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010415082026**

\+ BAIL APPLN. 3678/2026

UTKARSH SAXENA .....Petitioner

Through: Mr. Sarthak Tomar, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) .....Respondent

Through: Mr. Tarang Srivastav, APP with Mr. Abhay Sahni, Advocate.
SI Vikas, ISC/Crime Branch.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 27.10.2026

1. The Applicant, Utkarsh Saxena @ Goldy, seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023,[1] in FIR No. 38/2025, registered at Cyber Police Station South-West, Delhi, under Sections 308, 318(4), 319 and 340 of the Bharatiya Nyaya Sanhita, 2023[2]. Upon completion of the investigation, a chargesheet has been filed against the Applicant and other accused persons under Sections 308, 318(4), 319, 336, 337, 338, 340 and 61(2) of the BNS. The Applicant has been in custody since 23rd January, 2026.

2. The prosecution case concerns a 'digital arrest' fraud in which the complainant was allegedly induced to transfer approximately ₹30 lakh by

[1] "BNSS"

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persons impersonating government and law enforcement officials and threatening her with arrest. Of this amount, ₹7.5 lakh was transferred to a bank account maintained by co-accused Amit Gupta. The Applicant is alleged to have facilitated the fraud by arranging bank accounts, procuring banking kits and supplying them to other members of the syndicate in return for commission.

3. The material relied upon to connect the Applicant with these activities comprises WhatsApp conversations and call records between him and Amit Gupta, besides the statements of co-accused persons. The conversations refer to bank cards, delivery of an account kit and payments, and are relevant to the alleged facilitating role. However, the charge-sheet does not attribute to the Applicant any direct communication with the complainant, preparation or use of the forged documents sent to her, operation of the beneficiary account, or withdrawal of the cheated amount. Nor has any part of the proceeds been traced to him. The actual withdrawal from Amit Gupta's account is attributed to co-accused Mukesh Kumar @ Rahul. The extent of the Applicant's participation in the alleged conspiracy, including his knowledge of the fraudulent purpose for which the accounts were being arranged, will require examination at trial.

4. The Sessions Court declined bail on 10th July, 2026, principally considering the Applicant's alleged role in arranging mule accounts and the continuing investigation into the remaining proceeds and participants. However, it is also noted that co-accused Amit Gupta, whose bank account directly received ₹7.5 lakh from the complainant, was granted bail on 8th May, 2026. The prosecution seeks to distinguish the Applicant on the

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[2] "BNS"

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ground that he played a wider role in procuring bank accounts and facilitating their use. While their alleged roles are not identical, that distinction does not, by itself, justify continued incarceration, particularly when the evidence concerning the Applicant's involvement is substantially electronic and documentary and is already in the investigating agency's possession.

5. The charge-sheet against the Applicant has since been filed, his mobile phone has been seized, and the relevant banking and electronic records have been collected. Further investigation concerning other persons and the movement of funds does not, by itself, warrant his continued detention. The Applicant has no reported criminal antecedents and has remained in custody for over nine months. Charges are yet to be framed, and none of the eleven prosecution witnesses has been examined. The trial is therefore unlikely to conclude shortly.

6. Having regard to the Applicant's alleged role, the nature of the evidence, the period of custody and the present stage of proceedings, the Court is satisfied that his further incarceration is not necessary and that his presence can be secured through appropriate conditions. Accordingly, the Applicant is directed to be released on regular bail upon furnishing a personal bond of ₹50,000/- with one surety of the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(i) The Applicant shall furnish his complete residential address and an active mobile number to the Investigating Officer and the Trial Court, and shall promptly intimate any change.

(ii) For the first six months from the date of his release, the Applicant shall appear before the Investigating Officer at the concerned police station

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once every week, on either Monday or Friday. He shall not be made to wait for more than two hours for this purpose.

(iii) He shall appear before the Trial Court on every date of hearing, unless exempted, and shall cooperate with any further investigation upon being called on reasonable notice.

(iv) He shall not contact, threaten or influence the complainant or any prosecution witness, directly or indirectly, or tamper with the evidence.

(v) He shall not leave India without prior permission of the Trial Court.

(vi) The Applicant shall not indulge in any criminal activity or commit any offence of a similar nature during the period of bail.

7. The observations made herein are confined to the consideration of bail and shall not influence the trial.

8. The State shall be at liberty to seek cancellation of bail in the event of any breach of the aforesaid conditions or misuse of the liberty granted to the Applicant.

9. The application stands allowed in the above terms.

SANJEEV NARULA, J

OCTOBER 27, 2026
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